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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

CAROLYN BOYLE, individually and on
behalf of all others similarly situated,

Plaintiff,

v.

MERCK & CO., INC., and SCHERING-
PLOUGH CORP.,

Defendants.

CASE NO. 2:08-cv-00355-LEW-EFB

**STIPULATION AND ORDER
EXTENDING TIME TO ANSWER,
MOVE OR OTHERWISE RESPOND TO
COMPLAINT PENDING DECISION ON
TRANSFER BY JUDICIAL PANEL ON
MULTIDISTRICT LITIGATION**

HERE COME the Plaintiff and Defendants, by and through their counsel, and hereby stipulate as follows:

1. That Plaintiff caused the Complaint, the First Amended Complaint, and the Summons to be served on Defendant Merck & Co., Inc. on February 26, 2008;

2. That Defendant Merck & Co., Inc. and Schering-Plough Corp. are represented by Reed Smith LLP and Steven Boranian from Reed Smith LLP;

3. That a hearing before the Judicial Panel on Multidistrict Litigation ("JPML") has been scheduled in Austin, Texas for March 27, 2008 involving the centralization of this, and other, pending actions involving the pharmaceuticals Vytarin and Zetia;

1 4. That Defendants wish to defer their response to Plaintiff's First Amended
2 Complaint until the conclusion of the JPML hearing.

3
4 Dated: March 4, 2008

O'DONNELL & ASSOCIATES P.C.

5 By: /s/ Robert M. Partain

6 Robert M. Partain, Esq.
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13
14 Dated: March 4, 2008

REED SMITH LLP

15 By: /s/ Steven Boranian (as authorized on 3/5/08)

16 Steven Boranian, Esq.
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18 Two Embarcadero Center, Suite 2000
19 San Francisco, California 94111
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22 **ORDER**

23 IT IS HEREBY ORDERED that (1) the Defendants shall notify the Court of the decision
24 of the JPML within three business days after the JPML issues its decision; (2) that the time
25 within which the Defendants may answer, move or otherwise respond to the First Amended
26 Complaint in the above matter is hereby extended to a date to be set at the first scheduling
27 conference after the JPML issues its decision; and (3) that if the Defendants file a responsive
28 pleading in any other similar action pending in another federal district court, they shall notify the
Plaintiff's counsel before filing such a pleading, and the Plaintiff may then file a motion to
amend this Order. Defendants reserve the right to oppose such a motion.

IT IS SO ORDERED – 03/06/2008

/s/ Ronald S. W. Lew

HON. RONALD S.W. LEW, U.S.D.J.